

**Sullivan County NH
Delegation – Full Regular Meeting
Minutes**

**Date/Time: Monday, March 19, 2007; 7 PM
Place: Newport –Remington Woodhull County Complex
1st Floor - Jury Assembly Room**

Delegates Present: Representatives Peter Franklin – *Chair*, Ray Gagnon – *Vice Chair*, Larry Converse, John Cloutier, Carla Skinder, Arthur Jillette, Suzanne Gottling and Matthew Houde.

Delegates Absent: Representatives Tom Donovan, Brenda Ferland, Jay Phinizy and Beverly Rodeschin, Rep. Nielsen

Others Present: Commissioners Ethel Jarvis – *Chair*, Ben Nelson – *Vice Chair* (arrived at 6:12 p.m.) and Jeff Barrette – *Clerk*; Ed Gil de Rubio – County Manager, Tom Connair – Claremont citizen, Sharon Johnson-Callum (minute taker).

AGENDA ITEM NO. 1. CALL TO ORDER

6:02 p.m. The Chair, Peter Franklin, brought the meeting to order.

AGENDA ITEM NO. 2. AGENDA REVIEW

Rep. Franklin requested approval of the agenda. Rep. Skinder requested they add the Sullivan County Health Care Doctor's duties. Rep. Franklin noted they would add this under Old Business. The Chair approved the agenda verbally with the new addition.

AGENDA ITEM NO. 3. MINUTES

AGENDA ITEM NO. 3.A. DECEMBER 13, 2006

Ms. Johnson-Callum confirmed the Dec. 13th, 2006, draft minutes were not given to Laurie Geer, as of yet. Rep. Franklin confirmed he would speak with Rep. Donovan.

AGENDA ITEM NO. 3.B. FEBRUARY 19, 2007

The Delegates reviewed the draft Feb. 19, 2007 minutes during the meeting.

6:05 p.m. Rep. Larry Converse made a motion, to accept the February 19, 2007 meeting minutes as printed. Rep. Cloutier seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 4. PUBLIC PARTICIPATION

Tom Connair spoke on education funding. He discussed his 18-year background with the Claremont School Board, education fundamental right and the State's obligation to fund this right. He encouraged Delegates to seek his advise on upcoming legislative bills regarding educational funding and to seize on the opportunity to fund education differently than solely through property taxes. Rep. Cloutier asked if the Delegates should vote against any targeted aid? Mr. Connair indicated "Absolutely." He noted they need to ask: "*What does it cost?*", "*How are we going to fund it?*", and disburse the cost across the State. One option he spoke on was funding through an income tax – "*not saying this is the way*", but "*those in Claremont would probably pay less out of pocket for education funding than they do through property tax*". He encouraged the Delegates to look at any legislative proposal with great scrutiny and call him first. Mr. Connair noted he appreciated "*Public Participation*" placed at the beginning of the meeting. Per request of the Delegates, Mr. Connair will e-mail his contact information to Mr. Gil de Rubio.

AGENDA ITEM NO. 5. REPORT OF COUNTY COMMISSIONERS

6:21 Rep. Franklin asked Commissioner Jarvis for the "Commissioners Report".
Commissioner Jarvis requested Mr. Gil de Rubio to provide the report.

Mr. Gil de Rubio noted copies of the "*Sullivan County Nursing Home Executive Summary Prepared by Genesis HealthCare March 16, 2007*", were disbursed to all Delegates. Mr. Gil de Rubio read through the report as follows:

- ☐ Page 1, Executive Summary,
- ☐ Page 1, Leadership – he noted this was an area to be embellished on as they still have key issues at the nursing home, but, with Genesis, they have been able to put their arms around the issues. Their key people include: Heidi Smith – Director of Nursing and Ron McPhall – Dietary Director. Mr. Gil de Rubio discussed how Mr. McPhall has enhanced food services since he took over from Fitz, Vogt & Associates, remodeled the dining room, making improvements with new equipment and training of staff. He indicated, key personnel also include, Brenda Temple and Patti Koscielniak. He has received many compliments on both Temple's work with Social Services and routine check-ins with residents, as well as keeping in constant communications with the resident's family. He noted Ms. Koscielniak is out in the area, has great network brought over from being the Long Term Care Coordinator and keeps her mission to serve the people of the county wherever they will best be served, whether it's in the nursing home or in their own home. He noted, Ann Labelle is another key personnel. Ms. Labelle has worked there for two years as Recreation Director, enhancing the program. He noted that department needed a good shake up, and with Ms. Labelle's help and that of the Genesis team, they were able to do just that.
- ☐ Page 2, Clinical Services. Mr. Gil de Rubio spoke of how Genesis improved on the quality of care issues. He reminded the Delegates about past NH State surveys, having problems with the acquired pressure ulcers, and the steps initiated by Genesis to improve upon this with the pressure-reducing cushions. Mr. Gil de Rubio spoke regarding placing substantial funds in capital improvements for mattresses and beds.

He discussed in-house LNA classes, training in hospice and that training has become a constant since Genesis came on board. He noted Patti Henderson does a great job with classes, Human Resources is always looking for people, and Genesis is always looking for specialists to embellish the program.

- ❑ Page 3, Clinical Outcome Table (10/01 – 9/30)
- ❑ Page 3, Regulatory Compliance – Mr. Gil de Rubio discussed increasing acuity of care rising in nursing homes statewide.
- ❑ Page 3, Clinical Programming.
- ❑ Page 4, Staffing and Clinical Competencies. Mr. Gil de Rubio discussed how staffing is difficult not only within the state but nationally. He noted nursing staff is attracted more to the larger centers. He indicated they've done a great job getting out into the field, that their wage and benefit package is excellent, that word has circulated they are a pro-active facility, and, have done well over the last couple years at attracting good staff.

Rep. Franklin interrupted at this point to indicate the report was straying from the status of the ability of the County to manage the nursing home. He indicated Mr. Gil de Rubio had not spoken or mentioned the ability of the staff to take over the management of the nursing home, and that was not the report they requested. Mr. Gil de Rubio noted this was the report he received from Genesis and that it was his understanding of what the Delegates were looking for. He noted he could give an overview on how they can take care of the nursing home without Genesis, that he's been with the County five years and is more than qualified to do this. He indicated the County can do anything they want, that the staff can manage it; but, "...do they need Genesis or that type of situation?" He indicated, "Yes". "To what extent? Can we do it with our own administrator?" Rep. Franklin asked if Genesis has been successful in getting County personnel up to speed to run the nursing home? Mr. Gil de Rubio noted if Mr. Franklin was asking "How good we are?", then Genesis has been successful in that respect. They have taken staff focused on Medicaid and re-trained them to focus on the constant dynamics of skilled care - high acuity levels. "They have made great strides, but have a lot of improvement to do". Rep. Gagnon questioned Mr. Gil de Rubio's reference to the "dynamics". Mr. Gil de Rubio discussed regulatory policies, people staying home more, skilled care – people going in for certain ailments - they go through rehab and leave - placing a whole new dimension in the dynamics. He confirmed skilled care makes up about 1/3 of the census. Commissioner Nelson reminded the Delegates they needed to keep in mind revenues are greater with skilled care. Mr. Gil de Rubio noted the County was capable of administering the nursing home, but it would not be an easy run. He noted staff and management is willing to do it. It would be a bumpy road, but is doable with consultants to help. He discussed conducting pre-surveys, which would reflect deficiencies before the State surveyors arrived, and get staff used to being scrutinized so they are not nervous when the surveyors arrive. As far as training, they have systems in place, such as the in-house LNA training with Patti Henderson. He noted Dr. Catino is on site and is involved with training curriculum and scrutinizing the nursing. Rep. Gottling questioned which management belonged to the County vs. Genesis. Mr. Gil de Rubio noted Genesis provides the Administrator, who has availability to Genesis's team of other management personnel, such as Linda Goldthwaite who works closely with the County's Director of

Nursing, Heidi Smith. Mr. Gil de Rubio noted the Nurse Practitioner and Medical Director are separate Genesis contracts. Rep. Franklin noted the report indicated those services would be lost when Genesis left. The group discussed when the Nurse Practitioner came on board. Commissioner Barrette discussed the Genesis contracts. He spoke of the positive work Dr. Catino is doing with the Department Of Corrections. He feels it makes sense to keep the contracts in the long run. He discussed the payment format to Genesis. The connection the Medical Director had with various other facilities was discussed as a group. Mr. Gil de Rubio noted the current Nurse Practitioner and Medical Director contracts with Genesis replace contracts they held previously with Valley Regional Hospital. He noted the County was not receiving services stipulated in the contracts, so they asked Genesis's regional physician, Mark Levy, to help with communications between Valley Regional physician and the County. Mr. Gil de Rubio noted that services did not improve and the County ended up recruiting a new Medical Director through Genesis. Rep. Skinder confirmed most hospitals hired outside consultants to perform "mock surveys". She asked if the County had a nurse educator on staff? Mr. Gil de Rubio confirmed Patti Henderson was a certified instructor. Rep. Skinder asked if they have an active continuing education schedule? Mr. Gil de Rubio confirmed, "Yes", and noted the County also provides educational funding. Rep. Skinder asked if residents had the right to maintain their own physician? Mr. Gil de Rubio confirmed, "Yes". She asked if they had admitting privileges to Dartmouth? Mr. Gil de Rubio noted they rarely send residents to Dartmouth unless admitted by their own physician. He noted residents are admitted to Valley Regional when necessary. Mr. Gil de Rubio confirmed Genesis provides coverage for Dr. Catino, when Dr. Catino is on vacation. Rep. Gottling questioned how many days Dr. Catino was in the County nursing home? Mr. Gil de Rubio confirmed 3 days a week and helps out with DOC. Commissioner Jarvis inserted the contract provides for the physician to be there 12 hours. Mr. Gil de Rubio clarified that was hours for the administration. He noted how Dr. Catino is performing routine "rounds" unlike the previous Medical Director. He confirmed \$42,000 is the contract with Dr. Catino for 12 hours of administration time. Rep. Franklin requested Mr. Gil de Rubio to confirm, in the next few days how many hours Dr. Catino spends on administration per week and rounds at the nursing home and jail. Mr. Gil de Rubio noted Dr. Catino provides four (4) hours at the DOC, which is in addition to the contract with the nursing home. Rep. Houde pointed out if there are three separate contracts: 1) the Administrator - the umbrella contract, 2) the Medical Director and 3) one for the Nurse Practitioner, if a decision was made to terminate the umbrella contract, would the others be contingent on the umbrella? Mr. Gil de Rubio confirmed each contract is very separate. He noted Genesis would bend over backwards to help if the umbrella is terminated; and, feels the other two contracts will not terminate. Mr. Gil de Rubio confirmed there is a 30-day out on all three contracts. He confirmed Genesis has been involved with Sullivan County through the rehab department for many years, and would not place them at risk. Mr. Gil de Rubio noted to the Delegates *"If you want Genesis here, that's fine; if you don't want them, that's fine, they [Genesis] just want clear direction"*. He reviewed additional Genesis Health Care services they provided as part of the larger umbrella; he noted those would continue, but at a different expertise level. Mr. Gil de Rubio discussed how if the umbrella contract were terminated, they would need some type of consultant replacement to keep up the expertise level. He

discussed how nursing home management, in this day and age and environment, could not be done with just one Administrator. He spoke about constant State and Federal updates. Rep. Franklin commented that the staff should be performing these duties. Mr. Gil de Rubio noted staff could not perform the duties at the same expertise level and continue to do their jobs ... *"whether it's Genesis or another consultant, the County needs someone to train and keep staff up to date"*. Rep. Skinder questioned: if they were to look at all the other services, all but the State and Federal, could the staff handle this? Mr. Gil de Rubio noted, on a daily basis, if staff or the Administrator has a problem, they need only pick up the phone and ask for expertise from Genesis's management team in a particular field. Rep. Skinder asked about the County's expertise in marketing and admissions. Mr. Gil de Rubio discussed the expertise Ms. Koscielniak brought to the County in that respect. He indicated if she ever left, they would need to train someone. He spoke of how even with Ms. Koscielniak's expertise, Genesis's marketing team was consulted to *"ramp it up"*. Mr. Gil de Rubio spoke of the loss of revenue during those *"ramped up"* periods. Rep. Skinder debated the idea of hiring consultants more for these aspects. Rep. Gagnon asked if the County had it broken down by dollar and time in regards to the Genesis services? Mr. Gil de Rubio spoke briefly of Genesis costs and services provided. Rep. Franklin questioned if there was a contract for the Medical Director and the price. Mr. Gil de Rubio confirmed there was, at \$48,000. Rep. Franklin questioned when the contract was signed. Mr. Gil de Rubio confirmed it was three months ago. Rep. Franklin asked where in budget was this reflected? Mr. Gil de Rubio indicated in the Medical Director line. Mr. Gil de Rubio referred them to FY08 financials; the page number and line 40.580.12029 [Contract Services]. It was noted as of today; the FY08 budget books were disbursed to E.F.C. members and ex-officio. Rep. Franklin pointed out \$10,000 was illustrated in FY07 budget book details and questioned the legality of them signing a contract for \$48,000, which was more funds than was appropriated. Mr. Gil de Rubio indicated they are unable to overspend funds. Rep. Franklin argued that that statement was incorrect, noting it pertained to each line. He continued, indicating the County Delegation voted under Chapter 24 that they must come to E.F.C. to transfer monies and to spend money they don't have. *"The Delegation appropriates money and estimates revenue and you are bound to live within those strictures. What is the justification for signing this contract?"* Mr. Gil de Rubio noted the Board of Commissioners ratified the contract; the County Attorney had spoken before on this; and their interpretation on budget transfers was different. He noted the justification was *"simple, our old contract was with Valley Regional, I will not name names with doctors, we're paying by the hour, breaking laws and regulations and that is why we asked Genesis to step in with Dr. Levy, we were anticipating revenue to..."*. Rep. Franklin interrupted asking *"What is purpose to have budget, appropriate for items and not going for authority to get permission?"* Mr. Gil de Rubio and Rep. Franklin debated at length on this issue. Commissioner Nelson noted the County department heads have the ability to move funds from line to line within their department, Commissioners can move from line to line within funds; and, it was pointed out the items on the agenda were an example of when they must come before the Delegation to receive approval to move from fund to fund. Rep. Franklin recited RSA Chapter 24:13 – Powers. (8:25 p.m.). He then directed the Delegates to go out of order from the agenda, to *"Agenda 7.b. Transfer of Emergency Funds"*.

AGENDA ITEM NO. 7. NEW BUSINESS: B. COUNTY MANAGER REPORT: TRANSFER \$4,000 FROM EMERGENCY 10.407.21095 TO: 10.980.12029 DELEGATION CONTRACT SERVICES \$1,000, 10.980.17076 DELEGATION EXPENSES \$3,000

Rep. Franklin questioned what this agenda item was about. Mr. Gil de Rubio reminded him that this was how the Delegation handled the situation last year when they overspent their budget. Rep. Franklin asked if this had gone before the E.F.C.? Mr. Gil de Rubio indicated he thought the Executive Finance Committee members would all be here this evening. He noted they could put that off and bring it to the E.F.C. attention. The group discussed how last year the full Delegation approved the use of emergency funds. Rep. Franklin noted this was after the E.F.C. reviewed the request, and then brought it before the Delegation as a recommendation. Rep. Franklin again quoted from RSA 24:13-Powers. Commissioner Nelson pointed out they allocated the monies to the competing funds. Rep. Franklin interrupted Commissioner Nelson, indicating he was twisting the meaning of "funds". Commissioner Nelson, *"What you are suggesting, is that the Delegation approve each line when it is under or over? That's nut."* Rep. Franklin interjected, *"during the last Convention"* they voted the Commissioners must come before the Delegation to transfer monies. Commissioner Nelson argued that was to move from fund to fund. Mr. Gil de Rubio noted they had the County Attorney outlining this same issue; and, that there is case law that goes with the statutes, that he should not use just the statutes alone. Mr. Houde indicated they needed clarification from the County Attorney or Attorney General's office on "authority". He pointed out they are quite grounded in old business, suggested they table this debate and move forward on to new items. Mr. Gil de Rubio spoke of the NH Primex meeting rescheduled due to snow day – which needs to be rescheduled. Speaking candidly Mr. Gil de Rubio noted *"As far as the Genesis issue ..."* *"What is really undermining the whole system is the limbo that we are right now, politically, over this whole Genesis, to go or not to go with Genesis."* He noted Genesis, as well as staff and him, wants direction... *"say, yeah or nay, give me a hand showing, do you want it or not, and I'll implement it"...* *"we just can't continue this way"*. In response to Mr. Houde's comment, Rep. Franklin noted they were not on Old Business, they were on No. 5 Report of County Commissioners. He noted these were about six-month-old unanswered questions. He asked:

1. *"How much money are we paying for the Genesis contract?"*
2. *"Is it according to the contract, if not why?"*
3. *"How much are we paying the Health Care Administrator?"*
4. *"Where is the 2 million Genesis profit which the County Manager spoke of publicly"*

... "if we can get a quick answer to that, perhaps we can go onto New Business." Mr. Gil de Rubio confirmed the contract stipulates, *"Genesis is paid 4% of the [net] revenue not to exceed \$450,000. To this day, we have not paid them that full amount, and I have announced some of the line items we are going to be talking about."* Rep. Franklin asked *"Why haven't we paid them according to contract?"* Mr. Gil de Rubio noted *"they had not billed us"*. Rep. Franklin asked why this had not been straightened out and why he has not received a straight answer. Mr. Gil de Rubio noted the lack of bills received has

been communicated with them. Mr. Gil de Rubio is not paying them until he gets a correct bill. Mr. Gil de Rubio spoke about the new facilities Genesis has been busy opening, and feels the billing is not on their priority list. Rep. Franklin asked *"What is the rate of pay we have with Genesis for the Administrator?"* Mr. Gil de Rubio confirmed it was *"\$120,000 per year, plus \$42,000 for benefit. \$162,000 total."* Rep. Franklin asked *"You are not bound by budget?"* Mr. Gil de Rubio discussed having issues with the Administrator in April, which the Commissioners, staff and Mr. Gil de Rubio met with Genesis about, they tried to correct the issues, but they needed to do something quickly and proactively and did what they thought was best for the nursing home. He noted the budget is a snapshot on the day it's made. He noted, there are definite parameters in law they abide by, but if emergencies come up they need to be flexible and react. Rep. Franklin noted they have to go before the E.F.C., before they act. Mr. Gil de Rubio noted this was an issue Rep. Houde brought up and they need clarification on. Rep. Franklin *"Where's the 2 million profit you were talking about?"* Mr. Gil de Rubio noted this was his opinion, which had been explained several times by him and Rep. Ferland. He explained that during the '05 budget, the nursing home posted somewhere between a \$243,000 - \$249,000 deficit, in addition 1.7 million of tax payer money was used to substantiate the nursing home, so we came in at 1.9, the '06 budget saw an operating surplus of \$42,000, so over a 16 month period Genesis has made us a few million dollars. He noted, *"even if he's 50% right this County has done all right financially with Genesis"*. Rep. Franklin indicated the County Manager has a responsibility when making public statements to be accurate. Rep. Franklin questioned if Genesis had to have, in '06, *"an \$800,000 infusion of cash from the General fund?"* Mr. Gil de Rubio noted this was not due to Genesis as they were not here at that time. He noted this pertained to writing off old bills, old accounts, that bills were not sent out on. He noted, *"the auditors clearly stated that Genesis had a \$43,000 operating surplus"*. Rep. Skinder reminded everyone during the last meeting they spoke of civility. She noted the meeting was not being conducted in a civil manner, they were not moving ahead, it was late, she had a lot to do, and took objection to the arguing back and forth. Rep. Franklin noted questions were asked in writing for the last three - six months. She recommended questions be put in writing again for the new Delegates, for all to review, so that they could be answered by the next meeting. She noted the meeting was not going forward in a positive manner for her to stay.

Rep. Franklin asked is there was any further Old Business?

Rep. Houde asked if they had a recommendation from the Commissioners and County Manager as to the retention of Genesis? He recommended they, as Rep. Gagnon suggested, request a list to be compiled that shows the contracts, hours and type of services, so that they could make an educated decision. Commissioner Barrette, noted, given the history of the issue, the Board of Commissioners had yet to hold a discussion as to whether the Board wants to retain Genesis. He noted he feels its within the scope of the Commission to decide if Genesis will there, and within the scope of the Delegation to decide whether to fund it or not. He noted they want to find out where the full Delegation stands on the issue and trying to give them the facts and get direction as to what the Delegation is willing to fund? Commissioner Barrette noted Mr. Gil de Rubio

was asked by him to provide a snap shot, progress report, as far as where they have been and where they are going to go and was not aimed necessarily at what's it going to take to stand on our own two feet. He noted Mr. Gil de Rubio provided exactly what he was asked to do. Rep. Franklin noted, *"What I asked for tonight, was what I asked for at the last meeting. I read to you out of the minutes"*. Commissioner Nelson noted they are just receiving the report tonight and will review this and discuss as a Board. Commissioner Jarvis noted she reviewed the original contract and March 16, 2007 report and 2005 report, and truly believes from reading she has done, they have completed their mission with Genesis. She noted she was not speaking for other two Commissioners. She recommended they review the reports, and ask for the Medical Director's contract also. Commissioner Jarvis then indicated she was concerned about staffing at nursing home. She feels it's not enough to take care of the people they are taking in. She indicated she wanted the Delegation to know that and just received it through a report today. Rep. Gottling noted the Delegation last year had a strong opinion and voted on Genesis, and that would tell Commissioner Barrette the direction. Rep. Franklin spoke about discussions, at the County Convention, a year before the last Convention, to limit the contract length, a couple different proposals put forward – some wanted to continue the contract for a year and some to terminate the contract in six months. He noted, the final vote of the County Convention was to fund the Genesis contract for nine months. He pointed out the Commissioners voted at their next meeting, they'd find the money anyway and continue the Genesis contract. He noted that is what is happening now, that the budget does not have money for \$450,000, and it was meant to be $\frac{3}{4}$ of that. He noted there are other contracts, the doctor's contract that are more than what is in the budget. He noted the Graham, Accounting Contract line, is overspent. *"Where is the money is coming from? I don't know."* He indicated he did not want to be blind sided with a bill from Genesis. He believes they are going to run short of money to pay for the contracts. Commissioner Barrette noted they were trying to improve the good feelings and work in a positive manner to settle this. He noted that Rep. Gagnon's point, there is going to be a replacement cost, is a reasonable one. He noted he'd love clarification of shifting monies in funds as he voted in favor of the contract for the medical director, because it seemed very much the appropriate thing to do. He indicated *"If I've operated out of scope of what I'm supposed to do, I would like to know this, for future reference"*. He continued noting he could see both sides of the issue and would appreciate legal clarification as when he reads it he can hear both sides, and would love to know the case law and get a professional opinion. He noted Mr. Gil de Rubio was trying to bring to the table what their operating parameters were and would feel better knowing this moving forward. He noted the replacement cost Rep. Gagnon mentioned dovetails into all this, as they are going to need consulting services. Rep. Franklin concurred any nursing home could on occasion use consulting services, but feels it should not be a surprise and should be built into the budget. Commissioner Barrette noted it seems logistically difficult to make line item changes via a committee, as he sees how difficult it is to convene them all as a group. Rep. Franklin indicated in a well-prepared budget there should be relatively few transfers. He noted the transfers should only happen in the end of the year, at which time you go before the E.F.C., justified by the administration, then the E.F.C., and that's the way it is.

Rep. Cloutier noted it was 9 p.m. and requested the group move forward to New Business. He noted they've had enough debate on Genesis. Rep. Franklin concurred they would move forward. Rep. Gagnon noted they needed clarification and guidance as to parameters, and could come from Attorney Generals or the Association. He urged the Commissioners and Manager to act on this immediately. Mr. Gil de Rubio reminded them of the meeting canceled previously by the Delegates with NH Primex, Dan Crean. Rep. Franklin noted they needed to consider who to ask. He pointed out this person was a County official. Mr. Gil de Rubio pointed out Dan Crean was not a County official, but a municipal attorney. The group debated whether to create a list of roles and responsibilities, or to have someone come in and speak as a group. Commissioner Jarvis asked if NH Municipal Associate (NHMA) could be used? Mr. Gil de Rubio pointed out that NH Primex Dan Crean works with NHMA. Ms. Johnson-Callum left the room to get the dates that Dan Crean would be available to meet with the Delegates. Rep. Franklin asked Rep. Houde if he could recommend a neutral party. Rep. Franklin noted the Delegation has money to do this. Rep. Skinder suggested they compile questions ahead of time for this person. She questioned why they would want to vote out Genesis if they have a 2 million dollar profit. Mr. Gil de Rubio noted to the group that Dan Crean was available the following days: May 11, 14, 18 and 25. Rep. Franklin noted he'd make a list of questions and invited all Delegates to submit their questions to him. He requested Rep. Houde to find a neutral attorney. Rep. Houde confirmed he'd do that. Commissioner Barrette spoke about the neutrality, by noting NH Primex provides insurance and are a liability limiting organization wanting us to stay within the letter of the law so that there is no liability on the County or legislative body. Rep. Franklin questioned trying to mix goal setting with policy. He believes the Convention has its responsibility towards policy and the Commissioners have their responsibilities, and must look at it from a different point of view. He feels there is an ethical conflict with goals and policy. No date was decided on as to when to reschedule the canceled appointment.

NON AGENDA ITEM DOC NEEDS ASSESSMENT PRESENTATION APPOINTMENT TO MAKE
Mr. Gil de Rubio requested a special meeting of the Delegates in April to meet with Ricci Greene & Associates for an update on the Sullivan County Criminal Justice System/Jail Facility Needs Assessment. Rep. Franklin noted his personal feeling was that the County's financial condition is very precarious and discussions on a new prison premature, but asked the Delegation body what the majority wanted. After much discussion, the group decided on April 23, 2007 10 a.m. – noon at the Ahern Building.

AGENDA ITEM NO. 7.A. NEW BUSINESS: APPOINTMENT TO TASK FORCE ON COUNTY GOVERNMENT

Rep. Franklin reminded everyone Rep. Gale represented the Delegates last year on the Task Force On County Government committee. He indicated Representative Suzanne Gottling expressed interest in the committee, and, therefore appointed her to the committee. It was noted the committee next meeting would be Thursday March 22, at the Legislative Office Building in Concord. Rep. Franklin confirmed he would notify Betsey Patten of the appointment. Representative Cloutier recommended the Chair to do a formal letter of the appointment.

AGENDA ITEM NO. 7.B. NEW BUSINESSES: COUNTY MANAGERS REPORT: TRANSFER \$10,400 FROM 10.400.10001(COMM. OFFICE SALARIES) TO 30.409.12029(ACCOUNTING-CONTRACT SERVICES)

Mr. Gil de Rubio noted they budgeted \$10,400 in 10.400.10001 for a part time person in the Commissioners Office due to workload issues. He noted several things have changed with the staff workload - increased expertise with the accounting work, staff has become more accustomed to accounting software and that the staff consensus is that the position is unnecessary. He noted, on the other hand, they utilized the accountant, Graham & Graham, more times, and only have approximately \$4,000 in the account, and would like to transfer funds from 10.400.10001 to 30.409.12029. Rep. Converse questioned if the item needed to be reviewed by the E.F.C. prior to the full Delegation. Rep. Franklin noted it would eventually, after they have their discussion here. Rep. Franklin asked what was budgeted for the PTE including benefits. Mr. Gil de Rubio noted part time employees do not receive benefits and \$10,400 was budgeted. Rep. Franklin questioned if the position was in the FY 08 budget? Mr. Gil de Rubio indicated "no". Rep. Franklin questioned if the line for contract services was for Mr. Graham? Mr. Gil de Rubio noted "correct". Rep. Franklin asked for year-to-date payments paid to Mr. Graham and asked Mr. Gil de Rubio to get the budget book. Rep. Houde questioned procedurally if this was going before the E.F.C., and if so, why the full Delegation would need to look at them twice, when the E.F.C. was going to provide a recommendation? Rep. Franklin noted, *"Considering the fact the E.F.C. meets irregularly and apparently has little interest in certainly asking questions, I don't think it's going to be duplicate."* Mr. Gil de Rubio noted year-to-date for fund 30 accounting is \$26,280. More discussion commenced between Rep. Franklin and Mr. Gil de Rubio on the specific charges by Graham & Graham, why the charges were incurred, and whether it was appropriate to apply them in the line they were appropriated to. A lengthy debate commenced on: the charges from Graham & Graham's audit of the MS 42, the meeting with NH State DRA, the correctness of the form, and ratification of the form. Rep. Franklin noted he feels Mr. Gil de Rubio is misrepresenting Ms. Robinson and noted he'd be talking to DRA again. He noted he feels he is not justified in charging expenses to the Delegation, as they were not consulted about this and did not ask Mr. Gil de Rubio to hire an accountant. He noted the other money he charged for the audit is part of the County audit. Mr. Gil de Rubio disagreed indicating those were separate from the County audit, and due to a special meeting. Rep. Franklin questioned how much was spent by Mr. Gil de Rubio on Graham and Graham's contract and charged to the Delegation? Mr. Gil de Rubio reminded him the data was distributed previously, and was \$2,835.60. Rep. Franklin questioned how much was charged to the auditors? Mr. Gil de Rubio did not have that information at the meeting, but would get that for Rep. Franklin. Rep. Franklin questioned if the County owed Graham & Graham anything? Mr. Gil de Rubio indicated no, and was current as of March 7th. Rep. Franklin questioned why he would need another \$10,000? Mr. Gil de Rubio noted another trial balance was needed and any other services to end of fiscal year.

AGENDA ITEM NO. 7.B. NEW BUSINESS: COUNTY MANAGER'S REPORT: TRANSFER \$4,000 FROM EMERGENCY 10.407.21095 TO: 1) 10.980.12029 DELEGATION CONTRACT SERVICE \$1,000 AND 2) 10.980.17076 DELEGATION EXPENSES \$3,000

Rep. Franklin requested the Delegates to skip through the agenda to *Agenda Item No. 7 New Business. b. County Managers Report: Transfer \$4,000 from Emergency [line] 10.407.21095 to: 10.980.12029 Delegation Contract Service \$1,000 and 10.980.17076 Delegation Expenses \$3,000* section. Mr. Gil de Rubio discussed the Delegation line being in the red for \$3,200. He reminded last year, when they had a similar circumstance they took money from the Emergency Fund. Rep. Gottling questioned what the expenses were for. Mr. Gil de Rubio noted they are an active group and they had increased their budget last year to \$8,500. Rep. Franklin questioned if the Graham and Graham total was \$8,000? He indicated the auditors would not say those charges should have been applied to the Delegation budget. Mr. Gil de Rubio noted he consulted with the auditors on that issue.

8:30 Representative Jillette made a motion to approve the transfer of \$10,400 from 10.400.10001 to 30.409.12020 and transfer of \$4,000 from 10.407.21095 to 10.908.12029 \$1,000 and 10.99980.17076 for \$3,000. Representative Cloutier seconded the motion. Representative Franklin ruled the motion was out of order, that the transfer request must go to the E.F.C. first. Rep. Franklin noted they needed to drop further discussion to move on to other issues, if the E.F.C. were going to review it. Rep. Gottling requested it be placed in the minutes that "this is the sense of the Delegation present that we approve theses, as a message to the Executive Finance Committee". Rep. Franklin noted that was putting the cart before the horse. Rep. Skinder noted they needed to move on. Rep. Franklin noted they could rule the Chairs "out of order". (The motion failed with no vote)

Rep. Cloutier urged the Delegates to move forward to consider Agenda Item 7.b. County Manager's Report: Authorize Registrar of Deeds to use Equipment Account Fund. Mr. Gil de Rubio confirmed this issue was approved before the Board of Commissioners and required further authorization from the full Delegation. He noted they had an opinion from the County Attorney.

8:35 A motion was made, by Representative Cloutier, to authorize the Registry of Deeds, use a total amount and withdraw it from the Equipment Account Fund, of \$111,832 even. Representative Gottling seconded the motion. Discussion: Rep. Franklin asked if the Registry of Deeds approved of this? Mr. Gil de Rubio confirmed, "Yes". Rep. Franklin asked what the money was to be used for. Mr. Gil de Rubio directed the Delegation to the hand out detailing the quotes. Commissioner Jarvis confirmed they, the Board, reviewed this. Role call vote taken. Those that voted YES: Representative Cloutier, Converse, Franklin, Houde, Jillette, Skinder, Gottling and Gagnon. The vote passed unanimously.

UPCOMING EVENTS

Rep. Skinder reminded the Delegates of a UNH Cooperative Extension yearly info event to be held April 16th in Charlestown.

9:38 The meeting was adjourned by the Chair.

Respectfully submitted,

Sharon Johnson-Callum

Emergency Minute Taker for 3/19/07 meeting.

Minutes approved on: 4/23/07

Delegation Clerk Signature: [Signature]
Rep. Tom Donovan